



## TAX PREPARER PROGRAM

*Administrator: Don Procida*  
(916) 324-4977

Enacted in 1973, abolished in 1982, and reenacted by SB 1453 (Presley) effective January 31, 1983, the Tax Preparer Program registers commercial tax preparers and tax interviewers in California.

Registrants must be at least eighteen years old, have a high school diploma or pass an equivalency exam, have completed sixty hours of instruction in basic personal income tax law, theory and practice within the previous eighteen months or have at least two years' experience equivalent to that instruction. Twenty hours of continuing education are required each year.

Prior to registration, tax preparers must deposit a bond or cash in the amount of \$2,000 with the Department of Consumer Affairs.

Members of the State Bar of California, accountants regulated by the state or federal government, and those authorized to practice before the Internal Revenue Service are exempt from registration.

An Administrator, appointed by the Governor and confirmed by the Senate, enforces the provisions of the Tax Preparer Act. He/she is assisted by a nine-member State Preparer Advisory Committee which consists of three registrants, three persons exempt from registration, and three public members. All members are appointed to four-year terms.

### LEGISLATION:

*AB 861 (Jones)* would provide for a staggered birthdate renewal program on a two-year basis for tax preparers and tax interviewers. Further, the bill would change the minimum hours of continuing education required for registration from twenty to forty hours and would increase the registration fee for tax preparers and tax interviewers from \$50 to \$100. At this writing, this bill is pending in the Assembly Committee on Governmental Efficiency and Consumer Protection.

### FUTURE MEETINGS:

To be announced.

## BOARD OF EXAMINERS IN VETERINARY MEDICINE

*Executive Officer: Gary K. Hill*  
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The Board of Examiners in Veterinary Medicine (BEVM) licenses all veterinarians, veterinary hospitals, animal health facilities, and animal health technicians (AHTs). All applicants for veterinary

licenses are evaluated through a written and practical examination. The Board determines through its regulatory power the degree of discretion that veterinarians, animal health technicians, and unregistered assistants have in administering animal health care. All veterinary medical, surgical, and dental facilities must be registered with the Board and must conform to minimum standards. These facilities may be inspected at any time, and their registration is subject to revocation or suspension if, following a proper hearing, a facility is deemed to have fallen short of these standards.

The Board is comprised of six members, including two public members. The Animal Health Technician Examining Committee consists of three licensed veterinarians, one of whom must be involved in AHT education, three public members and one AHT.

### MAJOR PROJECTS:

*Implementation of Citation and Fine Regulations.* BEVM has started the process of implementing its citation and fine regulations, which were recently approved by the Office of Administrative Law (OAL). (See CRLR Vol. 9, No. 1 (Winter 1989) p. 66; Vol. 8, No. 4 (Fall 1988) p. 76; and Vol. 8, No. 3 (Summer 1988) p. 83 for background information.)

The regulations establish a system of civil penalties for citations issued by the Board pursuant to Business and Professions Code section 4875.2. BEVM is establishing the procedures needed to implement these regulations and has reviewed several criteria which will be used to determine the applicability and amount of fines imposed, including the nature and severity of the violation, prior history of violations by the licensee, and the licensee's cooperation with the Board investigation.

BEVM is compiling a brochure outlining the procedures that will be followed when implementing these regulations to provide its licensees with notice of these new procedures.

*OAL Approves AHT Regulations.* Newly-approved sections 2068.5 and 2068.6, Title 16 of the California Code of Regulations (CCR), establish eligibility requirements for experienced individuals who wish to sit for the AHT examination. (See CRLR Vol. 8, No. 4, (Fall 1988) p. 76 for background information.)

Section 2068.5 specifies a procedure whereby AHT applicants may take the examination if they possess a combination of coursework at a post-secondary education level and practical experience under strict supervision of a licensed

veterinarian. Section 2068.6 sets forth procedures that allow an AHT applicant who is licensed in another state and who possesses practical experience under the direct supervision of a licensed veterinarian to take the AHT exam.

*Rulemaking Proposed.* BEVM has proposed a regulatory amendment which will change the current rule enabling applicants who are not graduates of a recognized veterinary college to sit for the state practical examination. Section 4846.2 of the Business and Professions Code authorizes the Board to require an applicant who is not a graduate of a veterinary college recognized by the Board to complete a remedial training program. Section 2025, Title 16 of the CCR, specifies the requirements needed to obtain a certificate of completion for remedial training. The proposed amendment to this section would require those applicants seeking the certification to obtain a passing test score and successfully complete either a twelve-month internship at an accredited veterinary college or pass a clinical proficiency examination.

BEVM has also proposed changes to its examination procedures. Section 4848 of the Business and Professions Code provides that the licensing examinations shall consist of a written and practical examination. The Board's proposed amendment to section 2014, Title 16 of the CCR, would provide that the written portion of the examination shall consist of two sections and that an applicant will be deemed to have passed the examination if he/she obtains a score of 75% or more on each section of the written examination and on the practical exam. Presently, the written exam contains only one section.

BEVM has also proposed an amendment to section 2015, Title 16 of the CCR, which would require all applicants to pass all sections of the licensing examination within a 63-month period. This amendment would also provide a procedure to grant conditional exam credit to an applicant who has passed the National Board Examination and/or clinical competency test in another jurisdiction.

The Board was scheduled to hold a public hearing regarding these proposed changes at its March meeting.

### LEGISLATION:

*SB 428 (Torres)* would define and provide for the regulation and licensing of vicious and potentially dangerous dogs. Dogs determined to be vicious would be destroyed and this bill would impose a fine on the owner or keeper of the dog. This bill provides exceptions to the fines imposed for veterinarians,



## REGULATORY AGENCY ACTION

licensed kennels, shelters, police departments, and police officers. This bill does not use breed as part of its definition and would prohibit local ordinances that are breed-specific. This bill is pending in the Senate Judiciary Committee.

### RECENT MEETINGS:

At its January meeting, BEVM discussed the issue of whether the implantation of a microchip into an animal for identification purposes constitutes the practice of medicine. Microchip identifiers, primarily used for thoroughbred horses, are implanted with a twelve-gauge needle. The Board has asked legal counsel to determine whether this practice constitutes animal surgery over which the Board has jurisdiction. If this procedure is viewed as preventive rather than surgical, BEVM has no regulatory authority.

Also at the January meeting, the Board heard a request from an out-of-state veterinarian that he be permitted to take the state's reciprocity examination. Normally, out-of-state applicants may qualify for reciprocity and are not required to take the California exam if they have passed an exam within the last five years which is substantially similar to one most recently given in California. The Board also has the authority to waive the five-year requirement upon petition by a licensed out-of-state veterinarian. California uses the National Board examination as its written examination. However, this veterinarian was licensed before the National Board examination was instituted in 1956. The Board determined that it would compare the examination taken by this applicant with the National Board exam, and sections which are substantially similar will be waived. The Board did note, however, that the applicant must still pass the state's reciprocity exam before he will be allowed to practice.

### FUTURE MEETINGS:

July 6-7 in San Diego.

September 7-8 (location undecided).

November 9-10 in Monterey.

### BOARD OF VOCATIONAL NURSE AND PSYCHIATRIC TECHNICIAN EXAMINERS

*Executive Officer: Billie Haynes*  
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This agency regulates two professions: vocational nurses and psychiatric technicians. Its general purpose is to administer and enforce the provisions of Chapters 6.5 and 10, Division 2, of the Business and Professions Code. A licensed

practitioner is referred to as either an "LVN" or a "psych tech."

The Board consists of five public members, three LVNs, two psych techs, and one LVN with an administrative or teaching background. At least one of the Board's LVNs must have had at least three years' experience working in skilled nursing facilities.

The Board's authority vests under the Department of Consumer Affairs as an arm of the executive branch. It licenses prospective practitioners, conducts and sets standards for licensing examinations, and has the authority to grant adjudicatory hearings. Certain provisions allow the Board to revoke or reinstate licenses. The Board currently licenses approximately 68,000 LVNs and 14,000 psychiatric technicians.

Current Board members include Kathleen Fazzini Barr, LVN (President), Deloyce Arrington, LVN (Vice-President), Gwendolyn Hinchey, RN, Bruce Hines, PT, Kenneth G. Audibert, PT, and public members E. Charles Connor, Betty Fenton, Patricia A. Lang, Helen Lee, and Manuel Val.

### MAJOR PROJECTS:

*Proposed Regulations Approved.* At its January meeting, the Board formally adopted numerous amendments to its regulations, which appear in Chapter 25, Title 16 of the California Code of Regulations. (See CRLR Vol. 9, No. 1 (Winter 1989) p. 67 for detailed background information.)

Existing regulations regarding faculty qualifications require that a director, assistant director, and instructor at a vocational nursing school hold a current California RN license, and that teaching assistants hold a California LVN license. The proposed changes would require that these licenses be active licenses. Additionally, the changes would stipulate that a director and assistant director of a PT program must hold an active California PT license.

Regarding curriculum content, the Board seeks to clarify the current pharmacology course requirement and to specify five nursing courses that may be taught by non-nurse instructors.

Finally, existing regulations require that an applicant notify the Board and pay an application fee to be scheduled for a subsequent examination. The current proposal would require that an applicant pay a reexamination fee in the amount of \$35 as specified in section 2590.

The Board expected to submit the proposed amendments to the Office of Ad-

ministrative Law by the end of February.

*Future Roles of LVNs and PTs.* The Education/Practice Subcommittee is currently reviewing proposals made by the Board at its November meeting in Los Angeles. (See CRLR Vol. 9, No. 1 (Winter 1989) p. 67 for background information.) The proposals, involving possible substantive legislative and regulatory changes, were made by the Board in response to recommendations by the Subcommittee at the same November meeting.

The Board's proposals include changing the current educational requirement for PTs and LVNs to a twelfth-grade education level as opposed to the current tenth-grade education requirement; eliminating PT and LVN licensure eligibility through work experience; and expanding current PT and LVN educational requirements to include inter-relational and communicative skills. The Subcommittee expected to address these recommendations at the Board's May 12 meeting in San Francisco.

*License Renewal Changes.* The Department of Consumer Affairs recently converted the licensing renewal systems of all healing arts boards to a new computerized system. The implementation of this program has resulted in a design change for PT and LVN licenses and will eliminate the need for the pink receipt cards for PTs and the blue receipt cards for LVNs. The Board welcomes any questions or comments from license holders regarding the new system.

### LEGISLATION:

*AB 395 (Felando)* would require all hemodialysis technicians, vocational nurses, and registered nurses who provide services to dialysis patients in a patient's home to be held to the same requirements as those applicable in a dialysis clinic. This bill is pending in the Assembly Health Committee.

*SB 325 (Green)* would provide the Board with the authority to suspend or revoke the license of a vocational nurse who uses excessive force upon or mistreats any patient. This bill is pending in the Senate Business and Professions Committee.

### RECENT MEETINGS:

At the January meeting in Palm Springs, the Board elected LVN Kathleen Fazzini Barr as president.

### FUTURE MEETINGS:

To be announced.